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CHIRON CORPORATION  
INTELLECTUAL PROPERTY - R440  
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EMERYVILLE CA 94662-8097

In re Application of :  
Jayash Vora et al :  
Serial No.: 10/706,328 : PETITION DECISION  
Filed: November 12 12, 2003 :  
Attorney Docket No.: 072121-0366 :


This is a response to the petitions under 37 CFR 1.59(b), filed January 2, 2004, to expunge information from the above identified application. This application has been assigned for examination, but no action has been taken as of the date of mailing of this decision.

Petitioner requests that a document submitted January 2, 2004, as a Proprietary Information Disclosure Statement be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This is an unexamined application. As such the information provided has not been reviewed and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to allowance or other action which closes prosecution being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number, 703-872-9306.

  
Bruce M. Kisliuk  
Director, Technology Center 1600